

Appl. No. 10/695,282
Docket No. 9083M&
Amdt. dated 4/26/2007
Reply to Office Action mailed on 1/31/2007
Customer No. 27752

REMARKS/ARGUMENTS

Claims 1, 3, 5-13 and 22-23 are now under consideration. Claim 2 has been cancelled herewith as redundant, in view of the amendments to Claim 1.

Claim 1 has been amended to recite that the polymeric particle is non-encapsulated. (Basis is at page 3, lines 6-7 "excludes encapsulation.") Claim 1 has been further amended, as suggested by the Examiner. (See §112 discussion, below.) Claim 1 also now recites the limitation of Claim 2, now cancelled, regarding the non-polymeric association of the perfume with the particle. (See also §103 discussion, below.) It is submitted that all amendments are fully supported and entry is requested.

Rejections Under §112

Claims 1, 2, 5-13, 22 and 23 stand rejected under §112, for reasons of record at page 2 of the Office Action. The Examiner's helpful suggestion for correcting the formula is acknowledged and has been followed. The particle is now defined solely as comprising the monomer which is protonated at the pH 2-8; i.e., the "hard quats" of the previously-cited art should no longer remain applicable. Withdrawal of the rejections is requested.

Rejections Under §103

Claims 1-3, 5-13, 22 and 23 remain rejected under §103 over EP 925 776 and stand rejected under §103 over WO 01/04257, corresponding to US 6,849,591, for reasons of record at pages 4-5 of the Office Action.

Applicants respectfully traverse all rejections, to the extent they may apply to the claims as now amended.

The Examiner's thorough consideration of the cited documents is acknowledged. This extra effort allows what follows to be relatively brief.

As discussed above, the claimed particles herein are non-encapsulated, per the disclosure at page 3, lines 6-7.

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With regard to the claimed "non-polymeric association" of the perfume with the particle, the Examiner's attention is directed to the definition at the first paragraph of page 3, i.e., "The perfume is not present during polymerization or melting of the polymeric particle." (emphasis supplied)

Turning to EP '776, at [0013] the disclosure is quite clear. "For the formation of the MIP according to the invention the functional polymers are polymerized with cross-linking agents in the presence of the odoriferous product(s)" (emphasis supplied)

In short, EP '776 teaches the exact opposite of the present invention with regard to the association between the perfume and the particle.

US '591 discloses a microcapsule comprising a core (column 2, line 5) and a shell (column 2, lines 17-23). Moreover, the polymers listed as being useful as the core (column 2, line 67 – column 3, line 12) do not encompass the N-substituted materials herein.

In short, US '591 teaches encapsulation, which is the exact opposite of the present invention. And, the core that is encapsulated is not suggestive of the protonatable particle herein.

In light of the foregoing, reconsideration and withdrawal of the rejections is requested.

Double Patenting

Inasmuch as the claims herein have been amended substantially, reconsideration of the double patenting rejection is requested. In particular, it is submitted that the present claims are clearly distinct from those of US 7,125,835.

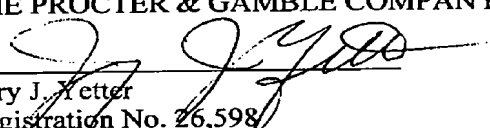
In view of the amendments presented and the arguments in support of patentability, early and favorable action is requested.

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Respectfully submitted,

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